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6 Attorneys for the Federal Defendants

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9 IN THE UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

11 **PARDIS KHANI,**

12 **Plaintiff,**

13 **v.**

14 **UNITED HEALTH CENTERS OF THE**  
15 **SAN JOAQUIN VALLEY, IMADE**  
**OSAGHAE, PA-C, SANDRA BRAVO, LVN**

16 **Defendants.**

**Case No.**

**NOTICE OF REMOVAL OF CIVIL  
ACTION BY FEDERAL DEFENDANTS**

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28 **NOTICE OF REMOVAL OF CIVIL  
ACTION BY FEDERAL DEFENDANTS**

1 TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE  
2 EASTERN DISTRICT OF CALIFORNIA:

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4 PLEASE TAKE NOTICE that the above-captioned action is hereby removed from  
5 California State Court to the United States District Court pursuant to 42 U.S.C § 233(c).

6 The United States, through the undersigned attorney, respectfully represents that:

7 1. Defendants United Health Centers of the San Joaquin Valley, Imade Osaghae, and  
8 Sandra Bravo, (hereinafter “defendants”) are named in a civil action now pending in the Superior Court  
9 of California for the County of Fresno, entitled *Pardis Khani v. United Health Centers of the San*  
10 *Joaquin Valley, Imade Osaghae, PA-C, Sandra Bravo, LVN*, Case No. 20CECG01502. A copy of the  
11 state-court complaint is attached as Exhibit A.

12 2. This state-court action may be removed pursuant to 42 U.S.C § 233(c) for the  
13 following reasons:

14 (a) United Health Centers of the San Joaquin Valley is a federally deemed and supported  
15 health center and grantee of the United States Department of Health & Human Services by which Imade  
16 Osaghae and Sandra Bravo are employed. As such, for purposes of the Federal Tort Claims Act (28  
17 U.S.C. §§ 2671 *et seq.* and 28 U.S.C. § 1346(b)), defendants are deemed federal employees. 42 U.S.C.  
18 § 233(g)-(n).

19 (b) Defendants were acting within the scope of this deemed federal employment at the  
20 time of the alleged incident. *See* Scope of Federal Employment Certification filed herewith.

21 (c) Under the Federal Tort Claims Act, plaintiff’s exclusive remedy for tort damages  
22 allegedly caused by defendants is an action against the United States. 42 U.S.C. § 233(a), (g)-(n).

23 (d) The United States District Courts have exclusive jurisdiction over such tort actions.  
24 28 U.S.C. § 1346(b).

25 (e) No trial has yet been had in state court in this action. *See* 42 U.S.C § 233(c)  
26 (Attorney General may remove civil action against deemed federal employee upon scope-of-  
27 employment certification at any time before trial).

28 WHEREFORE, the United States hereby removes the above-described state court action

1 from Fresno County Superior Court to this Court.

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3 Respectfully submitted,

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5 Dated: July 23, 2020

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7 McGREGOR W. SCOTT  
8 United States Attorney

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10 By: /s/ Victoria L. Boesch  
11 VICTORIA L. BOESCH  
12 Assistant United States Attorney  
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That on **July 23, 2020** she served a copy of:

by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place(s) and address(es) stated below, which is/are the last known address(es), and by depositing said envelope and its contents in the United States Mail at Roseville, California.

Addressee(s):

**ADAM B. STIRRUP**  
**BARADAT & PABOOJIAN, INC.**  
 720 W. Alluvial Avenue  
 Fresno, CA 93711

/s/Annette Lopez.  
ANNETTE LOPEZ